

OFFICIAL



GAZETTE

GOVERNMENT OF GOA

GOVERNMENT OF GOA

Department of Personnel

Notification

1-30-86-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution and in supersession of the existing recruitment rules for the posts, the Governor of Goa hereby makes the following rules relating to recruitment to the Group 'C' Non-Ministerial, Non-Gazetted post in the office of Registrar of Cooperative Societies, Government of Goa, namely: —

1. Short title, application and commencement. —

(1) These rules may be called the Government of Goa, Office of Registrar of Cooperative Societies, Group 'C' Non-Ministerial, Non-Gazetted post, Recruitment Rules, 1990.

(2) *Application.* — These rules shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of publication in the Official Gazette.

2. Number, classification and scales of pay. —

The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in Columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.* — The method of recruitment to the said posts, age limit, qualifications and other matters

connected therewith shall be as specified in Columns 5 to 13 of the said Schedule.

4. *Disqualification.* — No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may if satisfied that such marriage is permissible under the personal Law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.* — Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons.

6. *Saving.* — Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes, and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

By order and in the name of the Governor of Goa.

Smt. Prabha Chandran, Under Secretary (Personnel).

Panaji, 31st August, 1990.

SCHEDULE

Name/designation of post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Whether the benefit of added years of service is admissible under Rule 30 of CCS (Pension) Rules 1972	Educational and other qualifications required for direct recruits	Whether age & Educational Qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer/contract and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a D. P. C. exists, what is its composition	Circumstances in which Goa Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
Senior Marketing Inspector.	4 (1990) subject to variation dependent on workload.	Group 'C' (Non-Ministerial Non-Gazetted).	Rs. 1400-40-1600-50-23-EB-60-2600.	Selection	Not exceeding 35 years (Relaxable for Government servants in accordance with the instructions or orders issued by the Government).	No	<p><i>Essential:</i></p> <p>i) Degree of a recognised University in Agricultural Science or Economics or Commerce as a subject or equivalent.</p> <p>ii) About 3 years experience in a responsible managerial capacity in the field of marketing agricultural Commodities.</p> <p><i>Desirable:</i></p> <p>i) Experience of preparing marketing survey reports.</p> <p>ii) Knowledge of Konkani and/or Marathi.</p>	N. A.	Two years	50% by promotion failing which by direct recruitment. 50% by direct recruitment.	<p><i>Promotion:</i></p> <p>Marketing Inspector with five years regular service in the grade.</p>	Group 'C' D. P. C.	N. A.

Civil Supplies Department

Notification

11/17-7/87-CSD

Notification issued under the Essential Commodities Act, 1955 (10 of 1955) — The Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 1988 dated 8-3-1988, published in Part II, Section 3, Sub-Section (i) of the Gazette of India Extra Ordinary dated 21-4-1988 is hereby re-published for the general information of the public.

Suresh Bhonsle, Under Secretary (Civil Supplies).

Panaji, 19th September, 1990.

GOVERNMENT OF INDIA

Ministry of Petroleum & Natural Gas

Shastri Bhavan
New Delhi

Dated March 8, 1988

ORDER

The Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 1988.

G. S. R. 475(E). In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order, namely:—

1. *Short title, extent and commencement.*—(1) This Order may be called the Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 1988.

(2) It extends to the whole of India.

(3) It shall come into force on the date of its publication in the Official Gazette.

2. *Definitions.*—In this Order, unless the context otherwise requires:—

(a) “consumer” means a person, firm, company, institution, association of persons, cooperative society or organisation, whose name is registered with a distributor or an Oil Company, for supply of liquefied petroleum gas in cylinders;

(b) “cylinder” means a metal container for storing liquefied petroleum gas and which shall conform to appropriate Indian Standard;

(c) “delivery boy” means a person employed by a distributor, whether for wages or otherwise, to deliver liquefied petroleum gas in cylinders to consumers;

(d) “distributors” means a person, a firm, an association of persons, a company, a corporation, institution, organisation or a cooperative society engaged in the business of purchase, sale or storage for sale of liquefied petroleum gas in Cylinders, on the basis of an agreement with an Oil Company, whether or not in conjunction

with any other business, his representatives, employee, agent or commission agent, but does not include an Oil Company;

(e) “gas cylinder valve” means a valve which is fitted on to a cylinder and which shall conform to appropriate Indian Standard.

(f) “Indian Standard” has the same meaning as in Bureau of Indian Standards Act, 1986 (63 of 1986);

(g) “liquefied petroleum gas” has the same meaning as in Chapter 27 of the Schedule to the Central Excise Tariff Act, 1985 (5 of 1985);

(h) “oil company” means any of the following oil Companies, namely:

- (i) The Indian Oil Corporation Limited;
- (ii) The Bharat Petroleum Corporation Limited;
- (iii) The Hindustan Petroleum Corporation Limited;
- (iv) The IBP Company Limited;
- (v) The Oil and Natural Gas Commission;
- (vi) The Gas Authority of India Limited;
- (vii) The Oil India Limited; or

(viii) any other Government company or a statutory body declared to be an Oil Company by the Central Government, including persons or bodies corporate operating under specific arrangements with any Oil Company;

(i) “pressure regulator” means an equipment used for regulating the flow of gas from a cylinder to a gas stove and which shall conform to appropriate Indian Standard;

(j) “seal” means a seal put on the valve of a cylinder by an Oil Company for the purpose of sealing a cylinder after it has been filled with liquefied petroleum gas;

(k) “storage point” means the premises approved or licenced by the Chief Controller of Explosives to the Government of India.

(l) “transporter” means a person authorised by an Oil Company or a distributor for transportation of liquefied petroleum gas in cylinders and empty cylinders from the supply point of an Oil Company to its own storage point or to that of another Oil Company, or to and from any of the cylinder repairing or cylinder reconditioning unit engaged by an Oil Company or to and from the storage point of an Oil Company to the distributor, or to and from the Oil Company storage to the premises of a consumer.

3. *Restriction on possession and consumption of Liquefied petroleum gas.*—(1) No person shall be granted by an Oil Company or a distributor more than one connection for consuming liquefied petroleum gas.

(2) No person shall possess or use liquefied petroleum gas filled in cylinders or in bulk form unless he has received supply thereof from a distributor or from an Oil Company.

(3) No person shall use liquefied petroleum gas except for cooking or for such other purpose as may be declared by a general or special order by the Central Government.

(4) No distributor shall supply liquefied petroleum gas filled in cylinders to any person other than a consumer possessing a valid authorisation from an Oil Company.

(5) No person shall fill any Cylinder with liquefied petroleum gas or fill liquefied petroleum gas from one cylinder to another or from one container to another unless authorised to do so by the Chief Controller of Explosives to the Government of India.

4. *Restriction on storage and transportation of liquefied petroleum gas in cylinders.*— (1) No distributor, transporter or consumer shall store or transport a cylinder filled with liquefied petroleum gas except in an upright position and in a manner that it cannot be knocked over.

(2) No person shall store or use or cause to be stored or used a cylinder filled with liquefied petroleum gas except in a cool, dry, well-ventilated and accessible place under cover, away from boilers, open flames, steam pipes or any potential source of heat.

(3) No person, other than a consumer, shall remove a seal prior to use of the cylinder to which it is put at the place of its use, provided that a distributor or an Oil Company or their authorised representative may, if he finds any cylinder to be leaking, open such seal.

(4) A consumer, a distributor, and a transporter shall comply with all the safety requirements as prescribed in the Gas Cylinder Rules 1981, while storing or transporting liquefied petroleum gas in cylinders.

5. *Sale or distribution of liquefied petroleum gas below the standard weight.*— No distributor shall supply, sell or distribute to a consumer liquefied petroleum gas in a cylinder which contains less than the weight of liquefied petroleum gas specified in the schedule annexed to these rules.

6. *Possession, supply or sale of liquefied petroleum gas equipments.*— (1) No person shall, unless specifically authorised in this behalf by an Oil Company, supply or sell filled or empty cylinders, gas cylinder valves and pressure regulators to any person other than an Oil Company.

(2) No distributor shall, unless authorised to do so by an Oil Company, supply or sell empty cylinders, gas cylinder valves or pressure regulators to any person except a consumer.

(3) No person shall possess cylinders, gas cylinder valves or pressure regulators, unless he is a consumer and the same has been supplied to him by a distributor.

(4) No person shall possess a cylinder which has not been supplied by an Oil Company or by a distributor.

(5) Every manufacturer of cylinders, gas cylinder valves and pressure regulators shall dispose of the items which do not conform to the respective Bureau of Indian Standards specifications after deshaaping by crushing such items.

7. *Power of entry, search and seizure.*— (1) An Officer of the Department of Food and Civil Supplies of the Government, not below the rank of an Inspector authorised by such Government and notified by the Central Government, or any officer not below the rank of a Sales Officer of an Oil Company, or a person authorised by the Central Government or a State Government and notified by the Central Government may, with view to ensuring compliance with the provisions of this Order, for the purpose of satisfying himself that this Order or any Order made thereunder has been complied with:

(a) Stop and search any vessel or vehicle which the Officer has reason to believe has been, or is being, or is about to be, used in the contravention of this Order;

(b) enter or search any place with such aid or assistance as may be necessary;

(c) seize and remove, with such aid or assistance as may be necessary, the entire quantity of any stock of liquefied petroleum gas in cylinders, cylinder valves and pressure regulators, along with the vehicles, vessels or any other conveyances used in carrying such stock if he has reasons to suspect that any provision of this Order has been or is being or is about to be, contravened in respect of such stock and thereafter take or authorise the taking of all measures necessary for securing the production of the stock of liquefied petroleum gas in cylinder, cylinders, gas cylinder valves, pressure regulators, vehicles, vessels or other conveyances so seized before the Collector having jurisdiction under the provisions of section 6A of the Essential Commodities Act, 1955 (10 of 1955) and for their safe custody pending such production;

(2) The provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizures under this Order.

8. *Provision of the Order to prevail over previous orders of State Governments, etc.*— The provisions of this Order shall have effect notwithstanding anything to the contrary contained in any Order made by a State Government or a Union Territory or by an Officer of such State Government or Union Territory before the commencement of this Order except as respects anything done or omitted to be done thereunder before such commencement.

Sd/-

(ARVIND VERMA)

Joint Secretary to the Govt. of India.

SCHEDULE
(See clause 5)

Standard Weight of Liquefied Petroleum Gas in Cylinder

(a) Capacity of Cylinder	(b) Weight of liquefied petroleum gas
4.0 kg.	The weight of the liquefied petroleum gas contained in a cylinder shall not be less by more than 1.5% of the capacity of the respective cylinder indicated at column (a).
5.0 kg.	
11.2 kg.	
14.2 kg.	
19.0 kg.	
47.5 kg.	
50.0 kg.	

Sd/-

(ARVIND VARMA)

Joint Secretary to the Government of India.
(File No. P-17017/65/84-MKT)

Law (Legal and Legislative Affairs) Department

Notification

10-6-90/LA

The Criminal Law Amendment (Amending) Act, 1990 (Central Act 9 of 1990) which was passed by Parliament and assented to by the President of India on 17-4-1990 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 17-4-1990, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 22nd August, 1990.

The Criminal Law Amendment (Amending) Act, 1990

AN
ACT

to amend the Criminal Law Amendment Act, 1961.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Criminal Law Amendment (Amending) Act, 1990.

2. *Amendment of section 2.*—In the Criminal Law Amendment Act, 1961, 23 of 1961, section 2 shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely:—

“(2) Whoever publishes a map of India, which is not in conformity with the maps of India as published by the Survey of India, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

(3) No court shall take cognizance of an offence punishable under sub-section (2), except on a complaint made by the Government.”

Notification

7-5-90/LA

The Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 1990 (Goa Act No. 15 of 1990) which was passed by the Legislative Assembly of Goa on 2-8-1990 and assented to by the Governor of Goa on 11-9-1990, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 14th September, 1990.

The Legislative Diploma No. 2070 dated 15-4-1961

(Amendment) Act, 1990

(Goa Act No. 15 of 1990) [11-9-1990]

AN
ACT

further to amend the Legislative Diploma No. 2070 dated 15-4-1961 in its application to the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Forty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 1990.

(2) It shall come into force at once.

2. *Amendment of Article 153.*—In Article 153 of the Legislative Diploma No. 2070 dated 15-4-1961, after clause 19, the following clause shall be inserted, namely:—

“20. To direct the Administrator of the Comunidade, without prejudice to any other remedy provided by law, to recover such amount or sum due, if any, from the Comunidade as arrear of land revenue and for this purpose the Administrator thereof may forward to the Collector a certificate as early as possible in the prescribed form mentioning the sum due from such Comunidade and requesting that such sum may be recovered as if it were an arrear of land revenue.”

Secretariat Annexe,
Panaji.

Dated: 14-9-1990.

B. S. SUBBANNA,
Secretary to the Government of Goa,
Law Department (Legal Affairs)

Notification

7-12-90/LA

The Goa Public Moneys (Recovery of Dues) (Amendment) Act, 1990 (Goa Act No. 14 of 1990) which was passed by the Legislative Assembly of Goa on 2-8-1990 and assented to by the Governor of Goa on 11-9-1990, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 14th September, 1990.

The Goa Public Moneys (Recovery of Dues)

(Amendment) Act, 1990

(Goa Act No. 14 of 1990) [11-9-1990]

AN

ACT

to amend the Goa, Daman and Diu Public Moneys (Recovery of Dues) Act, 1986.

Be it enacted by the Legislative Assembly of Goa in the Forty-first Year of the Republic of India as follows:—

1. *Short title and commencement.* — (1) This Act may be called the Goa Public Moneys (Recovery of Dues) (Amendment) Act, 1990.

(2) It shall come into force at once.

2. *Amendment of section 2.* — In section 2 of the Goa, Daman and Diu Public Moneys (Recovery of Dues) Act, 1986 (Act 10 of 1987), after clause (b), the following clause shall be inserted, namely:—

“(bb) ‘Collector’ means the Collector of a district and includes any other officer appointed by the State Government to exercise and perform all or any of the powers and functions of a Collector under this Act;”.

Secretariat Annexe, B. S. SUBBANNA,
Panaji. Secretary to the Government of Goa,
Dated: 14-9-1990. Law Department (Legal Affairs)

Notification

7-8-90/LA

The Goa Motor Vehicles Tax (Amendment) Act, 1990 (Goa Act No. 17 of 1990) which was passed by the Legislative Assembly of Goa on 2-8-1990 and assented to by the Governor of Goa on 11-9-1990, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 14th September, 1990.

The Goa Motor Vehicles Tax (Amendment) Act, 1990

(Goa Act No. 17 of 1990) [11-9-1990]

AN

ACT

further to amend the Goa, Daman and Diu Motor Vehicles Tax Act, 1974.

Be it enacted by the Legislative Assembly of Goa in the Forty-first Year of the Republic of India as follows:—

1. *Short title and commencement.* — (1) This Act may be called the Goa Motor Vehicles Tax (Amendment) Act, 1990.

(2) It shall come into force at once.

2. *Amendment of Schedule.* — In the Schedule to the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (Act 8 of 1974), after item III, the following item shall be inserted, namely:—

“III A. Goods vehicles carrying mineral ore:

For every 100 kgs. of registered laden weight or part thereof —

(i) driven on fuel other than diesel	Rs. 20.00
(ii) driven on diesel	Rs. 25.00

Secretariat Annexe, B. S. SUBBANNA,
Panaji. Secretary to the Government of Goa,
Dated: 14-9-1990. Law Department (Legal Affairs)

Notification

7-10-90/LA

The Goa Mundkars (Protection from Eviction) (Amendment) Act, 1990 (Goa Act No. 12 of 1990) which was passed by the Legislative Assembly of Goa on 2-8-1990 and assented to by the Governor of Goa on 11-9-1990, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 14th September, 1990.

The Goa Mundkars (Protection from Eviction) Amendment Act, 1990

(Goa Act No. 12 of 1990) [11-9-1990]

AN

ACT

further to amend the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975.

Be it enacted by the Legislative Assembly of Goa in the Forty-first Year of the Republic of India as follows:—

1. *Short title and commencement.* — (1) This Act may be called the Goa Mundkars (Protection from Eviction) (Amendment) Act, 1990.

(2) It shall come into force at once.

2. *Amendment of section 29.* — In sub-section (7) of section 29 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (Act 1 of 1976), the words “and also in the local newspapers” shall be omitted.

Secretariat Annexe, B. S. SUBBANNA,
Panaji, Secretary to the Government of Goa,
Dated: 14-9-1990. Law Department (Legal Affairs)

Notification

7-11-90/LA

The Goa (Extension of the Dowry Prohibition Act) Act, 1990 (Goa Act 13 of 1990) which was passed by the Legislative Assembly of Goa on 2-8-1990 and assented to by the Governor of Goa on 11-9-1990, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 14th September, 1990.

The Goa (Extension of the Dowry Prohibition Act) Act, 1990
(Goa Act No. 13 of 1990) [11-9-1990]

AN
ACT

to provide for the extension of the Dowry Prohibition Act, 1961 to the State of Goa.

Be it enacted by the Legislative Assembly of Goa in the Forty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Goa (Extension of the Dowry Prohibition Act) Act, 1990.

(2) It shall come into force at once.

2. *Extension of Dowry Prohibition Act, 1961 to State of Goa.*—The Dowry Prohibition Act, 1961 (Central Act 28 of 1961), as in force in the territories to which it generally extends, is hereby extended to the State of Goa.

3. *Repeal and Saving.*—So much of any law in force in the State of Goa as corresponds to the Dowry Prohibition Act, 1961 (Central Act 28 of 1961), shall stand repealed as from the coming into force of this Act in the State of Goa:

Provided that the repeal shall not affect—

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation or liability, penalty, forfeiture or punishment, as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that subject to the preceding proviso, anything done or any action taken (including any rule made) under any law so repealed shall, so far as they are consistent with the said

Act, be deemed to have been done or taken under the corresponding provisions of the said Act as extended to the State of Goa by this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the said Act.

Secretariat Annexe,
Panaji,
Dated: 14-9-1990

B. S. SUBBANNA,
Secretary to the Government of Goa,
Law Department (Legal Affairs)

Notification

10-6-90/LA

The Armed Forces (Jammu and Kashmir) Special Powers Ordinance, 1990 (No. 3 of 1990) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 5th July, 1990, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 6th August, 1990.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 5th July, 1990/Asadha 14, 1912
(Saka)

THE ARMED FORCES (JAMMU AND KASHMIR)
SPECIAL POWERS ORDINANCE, 1990

No. 3 of 1990

Promulgated by the President in the Forty-first Year of the Republic of India.

An Ordinance to enable certain special powers to be conferred upon members of the armed forces in the disturbed areas in the State of Jammu and Kashmir.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Armed Forces (Jammu and Kashmir) Special Powers Ordinance, 1990.

(2) It extends to the whole of the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) "armed forces" means the military forces and the air forces operating as land forces and includes any other armed forces of the Union so operating;

(b) "disturbed area" means an area which is for the time being declared by notification under section 3 to be a disturbed area;

(c) all other words and expressions used herein, but not defined and defined in the Air Force Act, 1950, or the Army Act, 1950, shall have the meanings respectively assigned to them in those Acts.

3. Power to declare areas to be disturbed areas. — If, in relation to the State of Jammu and Kashmir, the Governor of that State or the Central Government, is of opinion that the whole or any part of the State is in such a disturbed and dangerous condition that the use of armed forces in aid of the civil power is necessary to prevent —

(a) activities involving terrorist acts directed towards overawing the Government as by law established or striking terror in the people or any section of the people or alienating any section of the people or adversely affecting the harmony amongst different sections of the people;

(b) activities directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about cession of a part of the territory of India or secession of a part of the territory of India from the Union or causing insult to the Indian National Flag, the Indian National Anthem and the Constitution of India,

the Governor of the State or the Central Government, may, by notification in the Official Gazette, declare the whole or any part of the State to be a disturbed area.

Explanation. — In this section, "terrorist act" has the same meaning as in *Explanation* to article 248 of the Constitution of India as applicable to the State of Jammu and Kashmir.

4. Special powers of the Armed Forces. — Any commissioned officer, warrant officer, non-commissioned officer or any other person of equivalent rank in the armed forces may, in a disturbed area, —

(a) if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning as he may consider necessary, fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of fire-arms, ammunition or explosive substances;

(b) if he is of opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made, or any structure used as a training

camp for armed volunteers or utilised as a hide-out by armed gangs or absconders wanted for any offence;

(c) arrest, without warrant, any person who has committed a cognizable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence and may use such force as may be necessary to effect the arrest;

(d) enter and search, without warrant, any premises to make any such arrest as aforesaid or to recover any person believed to be wrongfully restrained or confined or any property reasonably suspected to be stolen property or any arms, ammunition or explosive substances believed to be unlawfully kept in such premises, and may for that purpose use such force as may be necessary, and seize any such property, arms, ammunition or explosive substances;

(e) stop, search and seize any vehicle or vessel reasonably suspected to be carrying any person who is a proclaimed offender, or any person who has committed a non-cognizable offence, or against whom a reasonable suspicion exists that he has committed or is about to commit a non-cognizable offence, or any person who is carrying any arms, ammunition or explosive substance believed to be unlawfully held by him, and may, for that purpose, use such force as may be necessary to effect such stoppage, search or seizure, as the case may be.

5. Power of search to include powers to break open locks, etc. — Every person making a search under this Ordinance shall have the power to break open the lock of any door, almirah, safe box, cupboard, drawer, package or other thing, if the key thereof is withheld.

6. Arrested persons and seized property to be made over to the police. — Any person arrested and taken into custody under this Ordinance and every property, arm, ammunition or explosive substance or any vehicle or vessel seized under this Ordinance, shall be made over to the officer-in-charge of the nearest police station with the least possible delay, together with a report of the circumstances occasioning the arrest, or as the case may be, occasioning the seizure of such property, arm, ammunition or explosive substance or any vehicle or vessel as the case may be.

7. Protection of persons acting in good faith under this Ordinance. — No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Ordinance.

R. VENKATARAMAN,
President.

V. S. RAMA DEVI,
Secy. to the Govt. of India.

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